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| 10/808,314      | 03/25/2004  | Deane R. Henderson   | ACE-20052           | 5435             |

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ANTONY C. EDWARDS  
SUITE 800 - 1708 DOLPHIN AVENUE  
KELOWNA, BC V1Y 9S4  
CANADA

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| EXAMINER |
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SHARMA, RASHMI K

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| ART UNIT | PAPER NUMBER |
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3651

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/808,314

Applicant(s)

HENDERSON ET AL.

Examiner

Rashmi K. Sharma

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/21/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) was submitted on 6/21/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rigid stop being selectively translatable by translation means into said board engaging position must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 1 is objected to because it recites the limitation "the underside of the board" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 is objected to because of the following informalities: it appears that claim 17 line 2 should recite "by a driving linkage means". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12-14 recite "a bumper stop mounted so as to be extendable into the downstream flow direction to engage the board". The term extendable deems the claims vague and indefinite. How is the bumper stop be movably extendable? Further clarification is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tremblay (U.S. Patent number 6,446,785) in view of Ritola et al. (U.S. Patent number 5,685,410).

Tremblay discloses a rotary board turner (20) comprising a conveyor (10) having discreet board engaging means (18) in spaced relation therealong defining board carrying spaces therebetween for carrying boards (16, 116, 216, 316, 416) aligned across a downstream flow direction (see Figures 1-12), an acceleration means (the conveyor drive, please read column 1 lines 26-34) for accelerating a board in a board carrying space to the downstream most end of the space, a rigid stop (134 or 52

contacting and/or abutting the board, please read column 1 lines 47-59 and column 2 lines 16-24) in a board engaging position so as to engage the board in the space, at least one driven rotator arm (36 or 50) for engaging an underside of the board once engaged against the stop (134 or 52) so as to rotate the board one hundred eighty degrees over the stop (134 or 52) and so as to deposit the board towards the upstream end of the board carrying space (see Figures 1-12), said rigid stop (134 or 52) is rigidly mounted in said board engaging position (via bolts 26 and aperture 24, please read column 1 lines 59-61 and column 5 lines 65-67), said rigid stop (134 or 52) is selectively translatable by translation means into said board engaging position (please read column 5 lines 59-61), said conveyor (10) is a lugged conveyor and said discreet board engaging means (18) are a spaced array of lugs mounted on said conveyor (10), said rigid stop (134 or 52) is a bumper stop (the term *bumper* defined in Merriam Webster's Collegiate Dictionary 10<sup>th</sup> Edition is "a device for absorbing shock or preventing damage"), wherein said rigid stop (134 or 52) is a bumper stop extendably mounted so as to extend into said downstream flow direction to engage the board when in said board carrying space (see Figures 1-12), and wherein said acceleration means has an upstream end (see the rightmost end of Figures 1-12) and an opposite downstream end (any portion of the conveyor 10 to the left of any portion of the rightmost end of Figures 1-12), and wherein said bumper stop (134 or 52) is adjacent said downstream end of said acceleration means, the at least one driven rotator arm (36 or 50) including a pair of oppositely disposed rigid arms (30, 130, 230, 330 or 50, 56) rigidly cantilevered from a driven shaft (28) wherein said driven shaft (28) is driven

at a rotational speed which is constant relative to a translation speed of said conveyor (10), wherein said drive shaft (28) and said conveyor (10) are mechanically linked to one another by a driving linkage means (please read column 6 lines 59-61) so as to provide said constant relative speeds between said shaft (28) and said conveyor (10), and wherein said at least one driven rotator arm is rotatably mounted on driving means (28) mounted beneath an upper surface of the conveyor (10) and adjacent to the rigid stop (134 or 52).

Tremblay as disclose above, fails to show a board engaging position located at the downstream-most end of the space and wherein the acceleration means is a speed-up belt.

Ritola et al. does disclose a board engaging position (30, 32, read column 5 lines 20-25) located at the downstream-most end of the space (see Figure 1) to properly position the board (read column 5 lines 30-33) and an acceleration means being a speed-up belt (24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to move Tremblay's board engaging position further downstream relative to the space as taught by Ritola et al., in order to properly position the board.

*With respect to claim 5,*

*u* <sup>^</sup>It also would have been obvious to add the speed up belt as taught by Ritola et al. to Tremblay's conveyor system in order to provide for additional means to accelerate the boards as they approach each rotary board turner.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashmi K. Sharma whose telephone number is 571-272-6918. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**EILEEN D. LILLIS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600